

Prevailing Wage Rates Clarification

During the November 16, 2017 Prevailing Wage Commission meeting, it was determined that Tennessee Prevailing Wage Rates apply to state highway construction projects based on the following definitions:

Tenn. Code Ann. §12-4-402 does provide a definition of several terms, including;

(2) "Highway contractor" means any contractor, subcontractor, person, firm, or corporation engaged in a state construction project for the purpose of building, rebuilding, locating, relocating, or repairing any public highway;

(4) "Public highway" means any street, road, highway, expressway, bridge, or viaduct, including an adjacent right-of-way, that is constructed or maintained by the state, or any municipality or political subdivision of the state, and that is funded in whole or in part with federal or state highway funds;

(5) "State contract" means any contractual agreement, written or oral, entered into by any person, firm or corporation with this state for the performance of work on a state highway construction project; and

(6) "State highway construction project" means any construction project for the purpose of building, rebuilding, locating, relocating, or repairing any public highway.

If an entity not defined above so chooses to include prevailing wage rates, the Tennessee Department of Labor and Workforce Development has no jurisdiction to enforce those prevailing wage rates.